

Message Text

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ACTION AF-08

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 SAM-01 EB-07 COME-00 TRSE-00 IO-13 /088 W

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P R 091405Z AUG 76

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC PRIORITY 1649

INFO AMEMBASSY ADDIS ABABA

AMEMBASSY BONN

AMEMBASSY BUJUMBURA

AMEMBASSY DAR ES SALAAM

AMEMBASSY KHARTOUM

AMEMBASSY KIGALI

AMEMBASSY KINSHASA

AMEMBASSY LONDON

AMEMBASSY LUSAKA

AMEMBASSY MOGADISCIO

C O N F I D E N T I A L NAIROBI 8377

E.O. 11652: GDS

TAGS: PFOR, KE, UG

SUBJECT: KENYA AND UGANDA REACH AGREEMENT TO NORMALIZE RELATIONS

REF: NAIROBI 8112 (NOTAL), NAIROBI 7844 (NOTAL)

1. PRESIDENTS KENYATTA AND AMIN HAVE SIGNED MEMORANDUM OF UNDERSTANDING INTENDED TO BE BASIS FOR NORMALIZATION OF KENYA-UGANDA RELATIONS. AGREEMENT WAS REACHED BY NEGOTIATING TEAMS IN NAIROBI AUG 6 AFTER THREE DAYS OF TALKS.

2. ACCORDING TO LOCAL PRESS, AGREEMENT PROVIDES FOR WITHDRAWAL OF TROOPS FROM BORDER AREAS, CESSATION OF THREATS AND HOSTILE PUBLIC STATEMENTS, MUTUAL SETTLEMENT OF DEBTS AND RESUMPTION OF NORMAL INTER-STATE COMMERCE. AGREEMENT SETS UP COMMISSION INCLUDING REPRESENTATIVES OF

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BURUNDI, RWANDA, ZAIRE, SUDAN, ETHIOPIA AND ZAMBIA TO

MONITOR IMPLEMENTATION OF PROVISIONS. OAU SYG ETEKI IS TO WORK WITH COMMISSION.

3. SEPARATE COMMISSION OF KENYANS AND UGANDANS IS TO CERTIFY INTERSTATE COMMERCIAL DEBT CLAIMS. GOK HAS ALREADY SUBMITTED SOME CLAIMS ON BEHALF QUASI-GOVERNMENTAL CORPORATIONS IN ANNEX TO AGREEMENT. GOU NEGOTIATORS SAID UGANDA WILL SUBMIT ITS CLAIMS AT LATER TIME; THIS IS LARGELY FACE-SAVING DEVICE, SINCE KENYAN DEBTS TO UGANDA ARE NOT THOUGHT TO BE SIGNIFICANT.

4. OTHER PROVISIONS: BOTH SIDES AGREED TO NORMALIZE RELATIONS, TO REFRAIN FROM THREATENING USE OF FORCE, TO TAKE STEPS TO END STATE OF "BELLIGERENCY" BETWEEN THE TWO COUNTRIES, TO REFRAIN FROM BROADCASTING AND PUBLISHING IN "OFFICIAL MASS MEDIA" DAMAGING STATEMENTS AGAINST EACH OTHER. BOTH SIDES AGREED THAT MEETINGS OF ADMINISTRATIVE OFFICERS, CHIEFS AND TRIBAL ELDERS SHOULD CONVENE OFTEN. BOTH GOVERNMENTS AGREED TO COOPERATE THROUGH RESPECTIVE POLICE FORCES IN EXCHANGING INFORMATION REGARDING LIVESTOCK RUSTLING AND OTHER COMMON CRIMES ALONG BORDER. BOTH SIDES AGREED TO ALLOW UNIMPEDED TRAFFIC FLOW BETWEEN KENYA AND UGANDA, TO REVIEW AND IMPROVE MECHANISM FOR ISSUING MOTOR VEHICLE LICENSES, AND TO ALLOW UNIMPEDED TRANSIT OF GOODS THROUGH THEIR COUNTRIES TO NEIGHBORING STATES.

5. COMMENT: PROVISION RELATING TO NEIGHBORING STATES REFERS PRIMARILY TO RWANDA, SUDAN AND ZAIRE. OIL CARRIED IN TANKER TRUCKS PASSING THROUGH UGANDA EN ROUTE TO THESE COUNTRIES HAS REPORTEDLY BEEN COMMANDEERED BY UGANDA SINCE GOK BEGAN SEVERE CURTAILMENT OF OIL DELIVERIES TO UGANDA SEVERAL WEEKS AGO. END TO THIS PRACTICE WAS ONE OF SEVEN CONDITIONS FOR NORMALIZATION LAID DOWN BY FOREIGN MINISTER WAIYAKI. PRESENCE OF PREPRESENTATIVES OF THESE AFFECTED COUNTRIES ON IMPLEMENTATION COMMISSION WILL PUT PRESSURE ON GOK TO ALLOW RESUMPTION OF NORMAL OIL DELIVERIES TO UGANDA. END COMMENT.

6. WAIYAKI HAILED AGREEMENT AS "AN IMPORTANT MILESTONE"
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BUT IS CONSPICUOUSLY WAITING FOR VISIBLE SIGNS UGANDAN GOOD FAITH. HE WAS QUOTED IN AUG 9 NAIROBI PRESS AS FOLLOWS: "TO ME THE SUCCESS OF THE TALKS WILL BE REALIZED WHEN THINGS ARE MOVING ON THE GROUND. THIS MEANS THEY WILL STOP ARRESTING, HARASSING AND KILLING KENYANS. WE CAN SEE SUCCESS COMING WHEN SECURITY OF OUR PEOPLE AND THE NATION IS GUARANTEED. FOR EXAMPLE, WHEN WE SEND OUR DRIVERS WITH OIL TANKERS DESTINED FOR OTHER COUNTRIES,

THEY SHOULD NOT BE INTERCEPTED OR HIJACKED." MOD
PERMSEC KIEREINI TOLD DCM AUG 9 THAT KENYAN TROOPS
STILL ON ALERT, A FURTHER SIGN OF KENYA'S WAIT-AND-SEE
ATTITUDE. ALSO UNDERLINING KENYAN UNCERTAINTIES
ATTORNEY GENERAL NJONJO TOLD AMBASSADOR IN SEPARATE
AUGUST 9 MEETING THAT "WE WILL SEE IN NEXT WEEK OR TWO
HOW SITUATION DEVELOPS IN UGANDA. MEANWHILE, WE'LL
ONLY LET IN A TRICKLE OF OIL AND WE WILL NOT RELEASE
TRUCKS OR OTHER MILITARY ITEMS BEING HELD IN MOMBASA."

7. RADIO UGANDA ANNOUNCED AUG 8 THAT GOU HAS RELEASED
99 KENYA BUSINESSMEN AND TRUCK DRIVERS AFTER
AMIN'S SIGNATURE OF AGREEMENT. RADIO UGANDA CLAIMED
THOSE RELEASED HAD BEEN IN PROTECTIVE CUSTODY FOR
THEIR OWN SAFETY.

8. AMIN, IN PRESENCE OF ETEKI, SIGNED AGREEMENT AUG 7
IN KAMPALA. ETEKI THEN FLEW TO MOMBASA TO OBTAIN
SIGNATURE OF KENYATTA. PRESS REPORTS AUG 8 HINTED
THERE WERE LAST-MINUTE SNAGS GETTING KENYATTA'S
AGREEMENT, BUT NO DETAILS YET AVAILABLE.

9. PRESS REPORTS THAT AGREEMENT INCORPORATES LANGUAGE
CONCERNING COMPENSATION FOR LOSS OF LIFE AND PROPERTY,
BUT EXTENT OF OBLIGATIONS UNDERTAKEN BY UGANDA ON
THIS KEY KENYAN DEMAND IS NOT CLEAR.
MARSHALL

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